

REMARKS

Claims 1-60 are pending and subject to restriction and/or election. Applicants have cancelled claims 15-25 without prejudice or disclaimer to the subject matter claimed therein. New claims 61-68 have been added.

The Action stated that restriction to one of the following inventions is required under 35 U.S.C. §121:

Group I: Claims 1-14 and 37-60, directed to an implantable gel, classified in class 424, subclass 423+.

Group II: Claims 15-36, drawn to a process of manufacturing an implantable gel, classified in class 427, subclass 1+.

Applicants hereby elect, without traverse, to pursue the claims of **Group I** in the present application, that is, claims 1-14 and 37-60.

The Action further more stated that, in the event that Group I is selected, the present application also contains claims directed to the following patentably distinct species:

Species 1: the implantable gels set forth in claims 1-11;

Species 2: the implantable gels set forth in claims 12-14;

Species 3: the implantable gels set forth in the product-by-process claims 37-47;

Species 4: the implantable gels set forth in the product-by-process claims 48-58; and

Species 5: the implantable gels set forth in claims 59-60.

The Action stated that Applicants are required under 35 U.S.C. §121 to elect a single species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

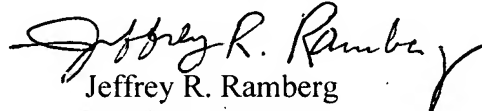
Applicants hereby elect, without traverse, **Species 1**, that is, the gels of claims 1-11, for prosecution on the merits should no generic claim ultimately be held to be allowable. The Action acknowledges that claims 1, 12, 37, 48 and 59 are generic. Applicants respectfully submit that the other 49 claims of Species 2-5 are readable on the elected species, as are new claims 61-68.

Applicants appreciate that the non-elected claims are subject to withdrawal by the examiner. Applicants note, however, that any withdrawn claims are subject to rejoinder if they are linked to an allowed claim; for example, if the allowed claim is generic to the withdrawn claim.

Applicants look forward to receiving the next communication from the Office.

Should the Examiner deem that any further action on the part of Applicants would be desirable, the Examiner is invited to telephone Applicants' undersigned representative.

Respectfully submitted,


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